



RE: Wallace Yard and Spur Lines Site - edits to July 1, 2009 Draft SOW

Wurtzler, Gail to: Clifford Villa

07/29/2009 03:20 PM

Cc: "Lawrence, Robert", "Gibson, Rebecca"

History:

This message has been replied to.

Cliff,

I hope to get the CD comments to you today. I am waiting for some last comments from Bob who is supposed to call me from the airport later this afternoon.

Sara is waiting for Bruce's comments on the RAWP and then she will send that directly to Ed and Nick.

UPRR is also still looking at my revision of Darrell's form environmental covenant (Appendix E to the CD). The revisions seek to make Darrell's form comply with the requirements of section IX of the CD and tailor his sample list of use restrictions to the specifics of Wallace Yard.

Thanks.

Gail

-----Original Message-----

From: Villa.Clifford@epamail.epa.gov

[mailto:Villa.Clifford@epamail.epa.gov]

Sent: Wednesday, July 29, 2009 4:11 PM

To: Wurtzler, Gail

Subject: Re: Wallace Yard and Spur Lines Site - edits to July 1, 2009

Draft SOW

Thanks, Gail. Any ETA for your cleanup of the draft CD itself? I have final bits to add from DOJ and the State, and could use Friday to pull together the final package.

Thanks.

Cliff Villa

Assistant Regional Counsel

U.S. EPA Region 10

"Wurtzler, Gail"
<Gail.Wurtzler@
gslaw.com>

To
Villa/R10/USEPA/US@EPA
07/29/2009 02:59
cc
PM
<Darrell.Early@deq.idaho.gov>,
<Sarah.Himmelhoch@usdoj.gov>,
<craig.trueblood@klgates.com>,
"Lietz, Denise"
<denise.lietz@klgates.com>,
"Lawrence,
Robert"
<Robert.Lawrence@dgsllaw.com>,
"Gibson,
Rebecca"
<rebecca.gibson@dgsllaw.com>
Subject
and Spur Lines Site
Wallace Yard
- edits to July
1, 2009 Draft SOW

CONFIDENTIAL SETTLEMENT COMMUNICATION
SUBJECT TO FRE 408

Cliff,

I attach the railroads' edits to the version of the SOW that you circulated on July 1, 2009. Because the edits are minor, I printed out the PDF you sent and marked the edits by hand rather than trying to do another redline on top of the redline you sent.

This, of course, is subject to BNSF and UPRR final management review and approval of all of the documents to be included in the package.

Most of the edits are self-explanatory. However, there are a few that I thought I would explain:

1. 2.1.7.5.b - deletion of reference to PMPS because the PMPS does not specify hostile vegetation species. A similar change will be required in Section IV of the CD.
2. 2.2.1 - deletion of "asphalt" in third bullet point because no asphalt barriers are specified for Wallace Yard.
3. 2.2.2 - addition of "during construction" to last bullet point to conform with similar bullet points under Ninemile and Canyon Creek Elements of Work.
4. 4.1 and 5.3 - deletion of Annual Progress reports for BPRP activity on Spur Lines because, under Paragraph 11 of the CD, the State is doing the BPRP work and providing annual reports on that work.

If you have any questions or comments, please call.
I will be out of
the office on Friday. Thanks.

Gail Wurtzler
Davis Graham & Stubbs LLP
1550 Seventeenth Street
Suite 500
Denver, CO 80202
(303) 892-7405
gail.wurtzler@dgsllaw.com

(See attached file: sow_page.pdf)